

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

September 09, 2024

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s/A. Beeson
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**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JAMES LEE HUFFMAN,

Plaintiff,

V.

LESLIE POWELL, ET AL.,

Defendants.

Case No. 7:24CV00110

OPINION

JUDGE JAMES P. JONES

James Lee Huffman, Pro Se Plaintiff; Brittany E. Shipley and Rosalie P. Fessler, TIMBERLAKESMITH, Staunton, Virginia, for Defendants.

The plaintiff, James Lee Huffman, proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983, alleging that jail officials had violated his constitutional rights. He notified the court that then confined at the Middle River Regional Jail (MMRJ). The court entered an Order conditionally filing the case and warning Huffman that failure to notify the Court of a change in his mailing address would result in dismissal of the case without prejudice. A copy of a later court Order mailed to Huffman at the address he had provided was returned to the court as undeliverable. The returned envelope indicated that Huffman was no longer incarcerated at the MRRJ. It is self-evident that the court must have a viable address by which to communicate reliably with Huffman about this case. The court has had no communication from Huffman since April 2024.

Based on Huffman's failure to provide the court with a current mailing address, I conclude that he is no longer interested in pursuing this civil action. Therefore, I will dismiss the action without prejudice for failure to prosecute. *See Ballard v. Carlson*, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance); *Donnelly v. Johns-Manville Sales Corp.*, 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

An appropriate Order will issue herewith.

DATED: September 9, 2024

/s/ JAMES P. JONES
Senior United States District Judge